



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,703	11/28/2000	Pradyumna K. Misra	MS1-197USC1	9570

22801 7590 06/16/2005

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
----------	--------------

2193

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,703

Applicant(s)

MISRA ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 13-21, 23-24, 26-27, 29, 45, 47-57, 59-61, 63-65, 68-69, 71-75 and 88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-6,10,13-21,23,24,26,27,29,45,47-57,59-61,63-65,68,69,71-75 and 88.

DETAILED ACTION

Claims 1-6, 10, 13-21, 23-24, 26-27, 29, 45, 47-57, 59-61, 63-65, 68-69, 71-75 and 88 are pending and have been examined.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 83-85 are rejected under 35 U.S.C. 102(a) as being anticipated by **Christiano** (USPN 5,671,412).

Claim 83

Cristiano disclosed a computer-readable medium, having computer readable instructions for:

- ♦ requesting a software license from a license server (*column 4, lines 35-57*);
- ♦ receiving an authenticity challenge from the license server (*column 6, lines 50-59*);
- ♦ computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed (*column 6, lines 10, lines 33-67; column 6, lines 50-59; if the clients ID matches those allowed*); and

- ♦ receiving, upon authentication by the license server and granting of a software license, the software license from the license server and storing information corresponding to the software license in a memory (*column 4, lines 35-57; column 8, lines 34-39*).

Claim 84

Cristiano disclosed the computer-readable medium of claim 83, wherein the stored information corresponding to the received software license comprises the received software license (*column 22, lines 37-53*).

Claim 85

Christiano disclosed the computer-readable medium of claim 83, wherein the stored information corresponding to the received software license comprises an indication that a specific license was granted (*column 10, lines 53-67*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2193

4. Claims 1-6, 10, 13-14, 45, 47-54, 59, 68-69 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wyman** (USPN 5,745,879) in view of **Christiano** (USPN 5,671,412).

Claim 1

Wyman disclosed a computer-implemented method comprising:

- ♦ creating a license at a license generator (*column 9, line 61 to column 10, line 6; Figure 1, elements 26 and 28*);
- ♦ signing the license with a digital signature of the license generator (*column 13, lines 9-42*);
- ♦ issuing the license to the license server (*Figure 1 elements 10 and 13*);
- ♦ verifying, at the license server, the license generator's digital signature on the license (*column 13, lines 9-42*); and
- ♦ distributing the software licenses contained in the license from the license server to corresponding clients (*Figure 1, elements 13 and 16*).

Wyman did not explicitly state a license pack containing a set of one or more individual licenses. However, in the background, **Wyman** demonstrated that it was known at the time of invention to provide varying licenses for a package of software (column 2, lines 18-44). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with license packs as found in **Wyman's** teaching. This implementation would have been obvious because one of

Art Unit: 2193

ordinary skill in the art would be motivated to provide flexibility based on a customers needs regarding various components of a package (column 2, lines 31-34).

Wyman did not explicitly state associating an ID of the license pack with a license server; and maintaining the association at the license generator. **Christiano** demonstrated that it was known at the time of invention to provide *unique* identification of a license package (Figure 2b, element 24; column 9, lines 1-4; note **Christiano** also disclosed license packs). **Wyman** demonstrated that it was known at the time of invention for owner of licensed software to keep track of their customers and the software they borrow/lease (*column 7, lines 14-20*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with license pack ID and the licensor tracking the license ID as found in **Christiano** and **Wyman's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an owner of software the ability to enforce use/sales policies (the motivation behind a license in general). A license ID maintained by the owner performs this function.

Claim 2

Wyman and **Christiano** disclosed a computer-implemented method as recited in claim 1, further comprising creating a license pack containing a predefined number of software licenses (**Wyman**: *column 2, lines 18-44; column 7, lines 14-20*; **Christiano**: *figure 2b*).

Claim 3

Wyman and **Christiano** disclosed a computer-implemented method as recited in claim 1, further comprising:

- ♦ creating a license pack ID at the license generator (*as above under claim 1*);
and
- ♦ evaluating the license pack ID at the license server (**Christiano**: *figure 2b*;
the server stores a license pack labeled with an ID).

Claim 4

Wyman and **Christiano** disclosed a computer-implemented method of claim 1 as indicated above. **Wyman** did not explicitly state encrypting the license pack at the license generator; and decrypting the license pack at the license server. However, **Wyman** demonstrated that it was known at the time of invention to encode and decode digital signatures (column 13, lines 9-42). Official Notice is taken that it was known to encrypt and decrypt sensitive communications. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with encryption and decryption for a communication from one entity to another as suggested by the above teachings. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide secure transfer of sensitive material (in this case business is being conducted).

Art Unit: 2193

Claim 5

Wyman and Christiano disclosed a computer-implemented method as recited in claim 1, further comprising creating a license pack that is tailored to a particular operating platform of the clients (*Wyman: column 14, line 63 to column 15, line 11; Figures 2-4*).

Claim 6

Wyman and Christiano disclosed a computer-implemented method as recited in claim 1, further comprising determining an authenticity of an individual client prior to distributing the software license to that individual client (*Wyman: column 10, lines 10-15; client is authenticated or determined allowed to perform an operation*).

Claim 10

Wyman and Christiano disclosed computer-implemented method as recited in claim 1, wherein the license pack has a license pack ID (*as above*), and further comprising granting additional licenses for the license pack having the same license pack ID (*column 8, lines 34-56; column 9, lines 1-4; multiple licenses in a pack*).

Claim 13

Wyman and Christiano disclosed a computer-implemented method for distributing software licenses to clients so that the clients may legally execute underlying software to which the software licenses pertain (*Wyman: figure 1*), the computer-implemented method comprising electronically issuing the software licenses as digital certificates

Art Unit: 2193

(**Wyman**: column 13, lines 9-42; signature) that are distributed in one-to-one correlation with individual clients and traced to an issuing authority (**Wyman**: column 13, lines 9-42; public/private keys), and issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client (**Wyman**: column 10, lines 10-15; **Christiano**: column 10, lines 33-40; column 18, lines 53-61; image being a client identification information).

Claim 14

Wyman disclosed a computer-readable medium having computer readable instructions for performing the method as recited in claim 13 (column 8, lines 22-27).

Claim 45

See claim 1 above.

Claim 47

See claim 4 above.

Claim 48

See claim 2 above.

Claim 49

See claim 5 above.

Claim 50

Wyman and **Christiano** disclosed a computer-implemented method of claim 45 as indicated above and the below limitations:

- ♦ wherein the license pack comprises at least one of the following items:
- ♦ a predefined number of software licenses (**Wyman**: column 14, line 63 to column 15, line 11; Figures 2-4);
- ♦ a platform type indicating a type of operating platform for which the software licenses can be used (**Wyman**: column 14, line 63 to column 15, line 11; Figures 2-4)
- ♦ an expiration date that indicates a date on which the software licenses will expire (**Wyman**: column 14, line 63 to column 15, line 11; Figures 2-4), and
- ♦ a product ID that identifies a product with which the software licenses can be used (**Wyman**: column 14, line 63 to column 15, line 11; Figures 2-4).

Claim 51

Wyman and **Christiano** disclosed a system as recited in claim 45, wherein the license server selects a software license from the license pack and grants the software license to a client (**Wyman**: column 6, lines 24-29), the software license having a license ID (above under claim 1) and the license server associating the license ID with the client (as under claim 1, licensing business practice similar to between issuer and server).

Claim 52

Wyman and **Christiano** disclosed a system as recited in claim 45, wherein the license server challenges an authenticity of a client prior to granting a software license from the license pack to the client (*Wyman: column 10, lines 10-15; client is authenticated or determined allowed to perform an operation*).

Claim 53

Wyman and **Christiano** disclosed a system as recited in claim 45, wherein the license server grants a software license server to a particular client, the license server encrypting the software license using a public key of the particular client (*column 6, lines 24-29; above under claim 4*).

Claim 54

Wyman and **Christiano** disclosed a system as recited in claim 45, wherein the license server distributes the software licenses to the individual clients via one or more intermediate servers (*Wyman: figure 1*).

Claim 59

See claim 1 above.

Claim 68

See claim 1 above. **Wyman** and **Christiano** disclosed client images (**Wyman**: column 10, lines 10-15; **Christiano**: column 10, lines 33-40; column 18, lines 53-61; image being a client identification information).

Claim 69

See claims 1 and 6 above. **Wyman** and **Christiano** disclosed client images (**Wyman**: column 10, lines 10-15; **Christiano**: column 10, lines 33-40; column 18, lines 53-61; image being a client identification information).

Claim 71

See claims 1 and 6 above. **Wyman** and **Christiano** disclosed client images (**Wyman**: column 10, lines 10-15; **Christiano**: column 10, lines 33-40; column 18, lines 53-61; image being a client identification information).

5. Claims 15-21, 23-24, 26-27, 29, 55-57, 60-61 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wyman** (USPN 5,745,879) in view of **Christiano** (USPN 5,671,412) and in further view of **Corbin** (USPN 5,138,712).

Claim 15

Wyman disclosed a computer-implemented method comprising:

- ♦ creating a license containing a set of one or more individual software licenses (*figure 1, elements 26 and 28*);
- ♦ digitally signing the license pack (*column 13, lines 9-42*); and
- ♦ issuing the signed license pack to the particular license server (*figure 1, elements 10 and 13*).

Wyman did not explicitly state receiving a request for a license *from* a license server.

Corbin demonstrated that it was known at the time of invention to receive requests for licenses from customers (column 7, lines 44-56). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the license system of **Wyman** with receiving request for licenses from license servers/managers (representing the customers) as suggested by **Corbin's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a product and any needed elements of that product (ie. licenses) based upon a request by a customer, thus facilitating the commonly known business practice shown in **Corbin**.

Wyman did not explicitly state a license pack containing a set of one or more individual licenses. However, in the background, **Wyman** demonstrated that it was known at the time of invention to provide varying licenses for a package of software (column 2, lines 18-44). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with license packs as found in **Wyman's** teaching. This implementation would have been obvious because one of

ordinary skill in the art would be motivated to provide flexibility based on a customers needs regarding various components of a package (column 2, lines 31-34).

Wyman did not explicitly state associating an ID of the license pack with a license server; and maintaining the association at the license generator. **Christiano** demonstrated that it was known at the time of invention to provide *unique* identification of a license package (Figure 2b, element 24; column 9, lines 1-4; note **Christiano** also disclosed license packs). **Wyman** demonstrated that it was known at the time of invention for owner of licensed software to keep track of their customers and the software they borrow/lease (*column 7, lines 14-20*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with license pack ID and the licensor tracking the license ID as found in **Christiano** and **Wyman's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an owner of software the ability to enforce use/sales policies (the motivation behind a license in general). A license ID maintained by the owner performs this function.

Claim 16

Wyman, Christiano and **Corbin** disclosed a computer-implemented method as recited in claim 15, further comprising creating a license pack containing a predefined number of software licenses (**Wyman**: *column 2, lines 18-44; column 7, lines 14-20; Christiano: figure 2b*).

Claim 17

Wyman, Christiano and Corbin disclosed a computer-implemented method as recited in claim 15, further comprising creating a license pack that includes a platform type indicating a type of operating platform for which the software licenses can be used (*Wyman: column 14, line 63 to column 15, line 11; Figures 2-4*).

Claim 18

Wyman, Christiano and Corbin disclosed a computer-implemented method as recited in claim 15, further comprising creating a license pack that includes a predefined number of software licenses (see *claim 16*), a platform type indicating a type of operating platform for which the software licenses can be used (see *claim 17*), an expiration date indicating a date on which the software licenses will expire (*Wyman: column 14, line 63 to column 15, line 11; Figures 2-4*), and a product ID that identifies a product with which the software licenses can be used (*Wyman: column 14, line 63 to column 15, line 11; Figures 2-4*).

Claim 19

Wyman, Christiano and Corbin did not explicitly state a computer-implemented method as recited in claim 15, further comprising encrypting the license pack. However, **Wyman** demonstrated that it was known at the time of invention to encode and decode digital signatures (column 13, lines 9-42). Official Notice is taken that it was known to

Art Unit: 2193

encrypt and decrypt sensitive communications. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with encryption and decryption for a communication from one entity to another as suggested by the above teachings. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide secure transfer of sensitive material (in this case business is being conducted).

Claim 20

Wyman, Christiano and Corbin disclosed a computer-readable medium having computer readable instructions for performing the method as recited in claim 15 (*column 8, lines 22-27*).

Claim 21

Wyman disclosed a computer-implemented method comprising:

- ♦ receiving a request for a software license from a particular client (*column 9, line 61 to column 10, line 19*);
- ♦ determining an authenticity of the particular client (*column 10, line 10-15*), wherein the determining includes:
 - ♦ maintaining a set of client images (**Wyman:** *column 10, lines 10-15*;
Christiano: *column 10, lines 33-40; column 18, lines 53-61; image being a client identification information*);

- ♦ receiving a client software ID from the particular client (**Wyman**: column 10, lines 10-15; **Christiano**: column 10, lines 33-40); and
- ♦ comparing the client software ID to the client images to evaluate whether the client is authentic (**Christiano**: column 10, lines 33-40; column 18, lines 53-61);
- ♦ selecting a software license that is appropriate for the particular client (column 2, lines 18-34; column 6, lines 24-29; and column 10, lines 10-15);
- ♦ associating the license ID with the particular client (column 18, line 35 to column 19, line 5; license types associating specifically); and
- ♦ granting the software license to the particular client (column 6, lines 24-29).

Wyman did not explicitly state receiving a request for a license from a license server.

Corbin demonstrated that it was known at the time of invention to receive requests for licenses from customers (column 7, lines 44-56). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the license system of **Wyman** with receiving request for licenses from license servers/managers (representing the customers) as suggested by **Corbin**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a product and any needed elements of that product (ie. licenses) based upon a request by a customer, thus facilitating the commonly known business practice shown in **Corbin**.

Wyman did not explicitly state a license pack containing a set of one or more individual licenses. However, in the background, **Wyman** demonstrated that it was known at the

time of invention to provide varying licenses for a package of software (column 2, lines 18-44). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with license packs as found in **Wyman's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide flexibility based on a customers needs regarding various components of a package (column 2, lines 31-34).

Wyman did not explicitly state associating an ID of the license pack with a license server; and maintaining the association at the license generator. **Christiano** demonstrated that it was known at the time of invention to provide an identification of a license package (Figure 2b, element 24; column 9, lines 1-4; note **Christiano** also disclosed license packs). **Wyman** demonstrated that it was known at the time of invention for owner of licensed software to keep track of their customers and the software they borrow/lease (*column 7, lines 14-20*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with license pack ID and the licensor tracking the license ID as found in **Christiano** and **Wyman's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an owner of software the ability to enforce use/sales policies (the motivation behind a license in general). A license ID maintained by the owner performs this function.

Claim 23

Wyman, Christiano and Corbin disclosed a computer-implemented method as recited in claim 21, further comprising granting the software license as containing the license ID (see above claim 21), a platform type indicating a type of platform in use by the particular client, an issue date indicates a date on which the license is issued to the client, an expiration date that indicates a date on which the software license will expire, a product ID that identifies a product with which the software licenses can be used, a client ID that identifies the particular client, and a version of the software license (*Wyman: column 14, line 63 to column 15, line 11; Figures 2-4*).

Claim 24

Wyman, Christiano and Corbin disclosed a computer-implemented method as recited in claim 21, wherein determining the authenticity comprises: receiving a client software ID from the particular client; and evaluating the client software ID to determine whether the client is authentic (*Wyman: column 10, lines 10-15; client is authenticated or determined allowed to perform an operation*).

Claim 26

Wyman, Christiano and Corbin disclosed a computer-implemented method as recited in claim 21, further comprising: determining a platform of the particular client; and selecting the software license as is appropriate for the platform of the particular client (*Wyman: column 14, line 63 to column 15, line 11; Figures 2-4; column 2, lines 18-34*).

Claim 27

Wyman, Christiano and Corbin disclosed a computer-implemented method as recited in claim 21, further comprising encrypting the software license using a public key of the particular client; and selecting the software license as is appropriate for the platform of the particular client (*see claim 4 and Wyman: column 14, line 63 to column 15, line 11; Figures 2-4; column 2, lines 18-34*).

Claim 29

Wyman, Christiano and Corbin disclosed a computer-readable medium having computer readable instructions for performing the method as recited in claim 21 (*column 8, lines 22-27*).

Claim 55

See claim 15 above.

Claim 56

See claim 18 above.

Claim 57

Wyman, Christiano and Corbin did not explicitly state a license generator as recited in claim 55, wherein the license producer encrypts the license pack using a public key of

Art Unit: 2193

the license server. However, **Wyman** demonstrated that it was known at the time of invention to encode and decode digital signatures (column 13, lines 9-42). Official Notice is taken that it was known to encrypt and decrypt sensitive communications. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with encryption and decryption for a communication from one entity to another as suggested by the above teachings. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide secure transfer of sensitive material (in this case business is being conducted).

Claim 60

See claim 21 above.

And also disclosed a license store to store the software pack of individual software licenses, each software license having an associated license ID (*Christiano: column 8, lines 30-56; column 9, lines 1-4*);

Claim 61

See claim 26 above.

Claim 63

See claim 60 above.

Art Unit: 2193

And further, **Wyman**, **Christiano** and **Corbin** did not explicitly state wherein the granting module encrypts the software license using public key of the authenticated client. However, **Wyman** demonstrated that it was known at the time of invention to encode and decode digital signatures (column 13, lines 9-42). Official Notice is taken that it was known to encrypt and decrypt sensitive communications. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Wyman** with encryption and decryption for a communication from one entity to another as suggested by the above teachings. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide secure transfer of sensitive material (in this case business is being conducted).

Claim 64

See claim 23 above.

Claim 65

Wyman, **Christiano** and **Corbin** disclosed a license server as recited in claim 60, further comprising a license pack table to store information pertaining to the license pack that is stored in the license store (**Christiano**: column 8, lines 30-54; column 9, lines 1-4).

6. Claims 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wyman** (USPN 5,745,879) in view of **Christiano** (USPN 5,671,412).

Claim 72

Christiano disclosed a data structure embodied on a computer-readable media, comprising:

- ♦ a license pack table to record information pertaining to one or more license packs, the license pack table being indexed by license pack IDs that identify corresponding individual license packs, each license pack containing one or more software licenses (**Christiano**: column 8, lines 30-54; column 9, lines 1-4);
- ♦ a client assignment table to record information pertaining to software licenses that are assigned to clients, the client assignment table being indexed by license IDs that identify individual software licenses, the client assignment table further having the license pack IDs of the license packs from which the corresponding software licenses are issued (column 18, lines 53-61); and

Christiano did not explicitly state the license pack table and the client assignment table being correlated via the license pack IDs contained in each table. **Christiano** demonstrated that it was known at the time of invention to have both tables (as discussed above) and to have pack IDs (column 9, lines 1-4) and to record log information (column 18, lines 53-61) and unique IDs (figure 3, element 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the pack licensing system of **Christiano** with table correlation by pack IDs as suggested by **Christiano**'s teaching. This implementation would have been obvious because one

Art Unit: 2193

of ordinary skill in the art would be motivated to record a *complete* record (not just licenses, but pack IDs as well since this information is available) for tracking (column 18, lines 53-61) and thus the tables are correlated by pack IDs.

Claim 73

Christiano disclosed a data structure as recited in claim 72, wherein the license pack table contains the following table fields:

- ♦ a license pack ID field to hold the license pack ID (*figure 2b*);
- ♦ a quantity field to hold a number representative of how many software licenses are contained in the license pack (*figure 2b*);
- ♦ a platform type field to hold a type of operating platform for which the software licenses in the license pack can be used (*column 10, lines 53-67*);
- ♦ an expiration data field to hold a date on which the software licenses in the license pack will expire (*column 9, lines 45-50*); and
- ♦ a product ID field to hold a product ID that identifies a product with which the software licenses in the license pack can be used (*column 10, lines 31-33*).

Christiano did not explicitly state the above fields formed into a table. Official Notice is taken that it was known at the time of invention to store information within tables. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the disclosed fields of **Christiano** within a table. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an efficient manner in which to store/retrieve information, which **Christiano**

disclosed as useful (by recording it already) and the method of data mining (column 18, lines 53-61).

Claim 74

Christiano disclosed a data structure as recited in claim 73, wherein the license pack table also contains a number assigned field to hold a number representative of how many of the software licenses have been assigned to clients (*column 10, lines 25-67; column 18, lines 53-61*).

Claim 75

Christiano disclosed a data structure as recited in claim 72, wherein the client assignment table contains the following table fields:

- ♦ a license ID field to hold the license ID (*figure 2b*);
- ♦ a license pack ID field to hold the license pack ID (*figure 2b*);
- ♦ a client ID to hold an identifier of a client to which the software license is granted (*column 10, lines 33-52*); and
- ♦ an issue date to hold a date on which the software license is issued to the client (*column 9, lines 45-50; column 18, lines 52-61*).

7. Claims 79-82 and 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Christiano** (USPN 5,671,412) in view of **Fielder et al.** (USPN 6,049,612).

Claim 79

Christiano disclosed a client computer, comprising:

- ♦ memory for storing information corresponding to one or more received software licenses (*column 22, lines 37-53*);
- ♦ a license requestor to request a software license from a license server (*column 10, lines 25-67*);
- ♦ a challenge handler to handle an authenticity challenge from the license server (*column 6, lines 50-59*);
- ♦ wherein, upon authentication by the license server and granting of a software license, the license requestor receiving the software license from the license server saves in the memory information corresponding to the received license (*column 4, lines 35-57; column 22, lines 37-53*).

Christiano did not explicitly state, the challenge handler computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed, wherein the challenge contains a random number, and the challenge handler computes the challenge response by concatenating the random number with the client image to form a concatenated value and hashing the concatenated value. **Fielder** demonstrated that it was known at the time of invention to encryption techniques, such as those above, on sensitive information (figure 3, column 3, lines 16-33; column 6, line 51 to column 7, line 8), **Christiano** demonstrated client image (*column 10, lines 33-40; column 18, lines 53-61*;

Art Unit: 2193

image being a client identification information). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of **Christiano** with encryption techniques as found in **Fielder's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a safe transfer of sensitive information (licenses).

Claim 80

Christiano disclosed the client computer of claim 79, wherein the memory comprises non-volatile memory (*column 6, line 16*).

Claim 81

Christiano disclosed the client computer of claim 79, wherein the saved information corresponding to the received license comprises the received license (*column 4, lines 35-57; column 22, lines 37-53*).

Claim 82

Christiano disclosed the client computer of claim 79, wherein the saved information corresponding to the received license comprises an indication that specific license was granted (*column 4, lines 35-57; column 22, lines 37-53*).

Claim 86

See claim 79 above.

Claim 87

See claim 81 above.

Claim 88

See claim 82 above.

Response to Arguments

8. Applicant's arguments filed 25 June 2004 have been fully considered but they are not persuasive. Applicant argues: ¹⁾ **Christiano** fails to compute a challenge response containing a client image; ²⁾ **Christiano** fails to disclose package name uniquely identifying the package; ³⁾ no teaching of maintaining, at the license generator, an association of an ID with the license server; ⁴⁾ as per claim 13, no disclosure of issuing a license when a client executable image matches a stored client executable image; and ⁵⁾ the cited prior art fails to disclose the challenge containing a random number concatenated and hashed with the client image. Upon review of the claimed invention and the cited prior art, the above arguments are, respectfully, found unpersuasive.

First, under the broadest reasonable interpretation of the claim language "client image", **Christiano** is read upon. A client is identified via a client image or identifier system (column 6, line 10 to column 7, line 30). In particular note column 6, line 64 to column 7, line 1.

Second, a name provides a unique identification, that is the purpose of a name.

Third, under the rejections found in the previous Office Action, citations of **Christiano** and **Wyman** are provided illustrating the *obviousness* of associating a unique name of **Christiano** with a server as in **Wyman**. Specifically owners often wish to keep track of their customers.

Fourth, again under the broadest reasonable interpretation of the claim language "client executable image", **Christiano** is read upon. A client is identified via a client image or identifier system (column 6, line 10 to column 7, line 30). In particular note column 6, line 64 to column 7, line 1. This falls within the broadest reasonable interpretation of the claim language.

Fifth, **Christiano** disclosed client images. **Fielder** disclosed random number encryption. It would have been obvious, as already noted, to protect sensitive information using such techniques.

Therefore, having addressed all of Applicant's raised concerns, the rejections are maintained as indicated above. Any similar arguments by Applicant are addressed substantially the same as the above representative arguments.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2193

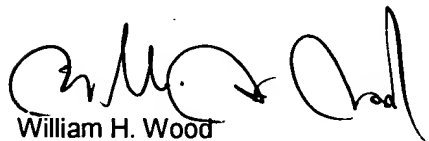
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
June 10, 2005



KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100